

**Harry B. Wilson, OSB #077214**  
HarryWilson@MarkowitzHerbold.com  
**Hannah K. Hoffman, OSB #183641**  
HannahHoffman@MarkowitzHerbold.com  
**MARKOWITZ HERBOLD PC**  
1455 SW Broadway, Suite 1900  
Portland, OR 97201-3412  
(503) 295-3085

Special Assistant Attorneys General for Defendants

**Ellen F. Rosenblum, OSB #753239**  
Attorney General  
**Brian Simmonds Marshall, OSB #196129**  
Senior Assistant Attorney General  
Brian.S.Marshall@doj.state.or.us  
**DEPARTMENT OF JUSTICE**  
100 SW Market Street  
Portland, OR 97201  
(971) 673-1880

Attorneys for Defendants

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
PENDLETON DIVISION

OREGON FIREARMS FEDERATION, INC.,  
et al.,  
  
Plaintiffs,  
  
v.  
  
TINA KOTEK, et al.,  
  
Defendants,  
  
and

Case No. 2:22-cv-01815-IM (lead case)  
3:22-cv-01859-IM (trailing case)  
3:22-cv-01862-IM (trailing case)  
3:22-cv-01869-IM (trailing case)

**DEFENDANTS' OBJECTIONS TO  
PLAINTIFFS' AMENDED WITNESS  
LIST**

OREGON ALLIANCE FOR GUN SAFETY,	
	Intervenor-Defendant.
<hr/>	
MARK FITZ, et al.,	
	Plaintiffs,
v.	
ELLEN F. ROSENBLUM, et al.,	
	Defendants.
<hr/>	
KATERINA B. EYRE, et al.,	
	Plaintiffs,
v.	
ELLEN F. ROSENBLUM, et al.,	
	Defendants,
and	
OREGON ALLIANCE FOR GUN SAFETY,	
	Intervenor-Defendant.
<hr/>	
DANIEL AZZOPARDI, et al.,	
	Plaintiffs,
v.	
ELLEN F. ROSENBLUM, et al.,	
	Defendants.

Defendants Tina Kotek, Ellen F. Rosenblum, and Casey Coddling and Intervenor-Defendant Oregon Alliance For Gun Safety respectfully object to the witnesses offered by Plaintiffs.

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**1. Katie Eyre (Plaintiff), Fact Witness (page 2)**

<b>Katie Eyre</b>	
<b>Testimony</b>	<b>Defendants' Objection(s): Irrelevant, Waste of Time, Confusion</b>
Before Measure 114 took effect, Eyre was in the process of obtaining a concealed handgun license ("CHL") in Oregon.	<b>Rules 401/403:</b> Whether Ms. Eyre has sought or obtained a CHL is irrelevant or of only marginal relevance; the probative value, if any, of this testimony is substantially outweighed by the likelihood that it would result in wasted time or would confuse the issues at trial.

**2. Salam Fatohi (for Plaintiff National Shooting Sports Foundation), Fact Witness (page 3)**

<b>Salam Fatohi</b>	
<b>Testimony</b>	<b>Defendants' Objection(s): Personal Knowledge, Hearsay, Improper Lay Testimony, Undisclosed Expert Testimony</b>
<p>[Fatohi will testify that] Exhibit 33 is a record of a regularly conducted activity by NSSF within the scope of its business; it is a record of acts, events, conditions, and/or opinions made at or near the time by—or from information transmitted by—someone with knowledge; the record was kept in the course of a regularly conducted activity of NSSF; making the record was a regular practice of that activity; and neither the source of information nor the method or circumstances of preparation indicate a lack of trustworthiness.</p> <p>Fatohi will be prepared to testify regarding . . . NSSF's business records (specifically Exhibit 33)[.]</p> <p>Fatohi will be prepared to testify regarding . . . NSSF's information and knowledge regarding the number and types of firearms and magazines owned and used by Americans.</p>	<p><b>Rule 602; Rule 701; Rule 801/802; FRCP 26(a)(2):</b> Testimony about information contained in Plaintiffs' Exhibit 33 and any other purported business records or about the number and types of firearms and magazines owned and used by Americans broadly would constitute hearsay or an opinion based on technical or other specialized knowledge not proper for a lay witness. In the event that Mr. Fatohi is qualified to render such an expert opinion, his testimony was not timely disclosed as expert testimony as required under FRCP 26(a)(2).</p>

**3. Damian Bunting (Plaintiff), Fact Witness (page 5)**

<b>Damian Bunting</b>	
<b>Testimony</b>	<b>Defendants' Objection(s): Irrelevant, Waste of Time, Confusion</b>
<p>Bunting is certified by the Oregon Department of Public Safety Standards and Training (DPSST) under the Armed Private Security program.</p> <p>He has received firearms training certified by DPSST.</p>	<p><b>Rules 401/403:</b> Whether Mr. Bunting has received certification through DPSST is irrelevant or of only marginal relevance; the probative value, if any, of this testimony is substantially outweighed by the likelihood that it would result in wasted time or would confuse the issues at trial.</p>

**4. Matthew French (for Plaintiff Sportsman's Warehouse, Inc.), Fact Witness (page 10)**

<b>Matthew French</b>	
<b>Testimony</b>	<b>Defendants' Objection(s) Personal Knowledge, Hearsay</b>
<p>[Mr. French will testify] that each Sportsman's location in Oregon . . . will lose revenues if and when Measure 114 goes into effect.</p> <p>He will also testify concerning Sport[s]man's recent sales in Oregon of weapons with and without a capacity in excess of ten rounds.</p>	<p><b>Rule 602; Rule 801/802:</b> No evidence that Mr. French has personal knowledge of Sportsman's Warehouse's recent sales or expected future revenues in Oregon. To the extent that Mr. French's purported knowledge is based on information obtained from other sources, it is based on hearsay.</p>

DATED: May 22, 2023.

PACIFICA LAW GROUP

ELLEN ROSENBLUM ATTORNEY  
GENERAL FOR THE STATE OF OREGONs/ Zachary J. Pekelis

Jessica A. Skelton, OSB #102714  
 Zachary J. Pekelis, *pro hac vice*  
 Kai Smith, *pro hac vice*  
 W. Scott Ferron, *pro hac vice*  
 Attorneys for Proposed Intervenor-  
 Defendant Oregon Alliance for Gun Safety

s/ Harry B. Wilson

Harry B. Wilson, OSB #077214  
 HarryWilson@MarkowitzHerbold.com  
 Hannah K. Hoffman, OSB #183641  
 HannahHoffman@MarkowitzHerbold.com

*Special Assistant Attorneys General for  
Defendants*

Brian Simmonds Marshall, OSB #196129  
brian.s.marshall@doj.state.or.us  
*Of Attorneys for Defendants*

### ECF CERTIFICATION

The filing attorney attests that he has obtained concurrence regarding the filing of this document from intervenor-defendants' counsel signatories to this document.

Date: May 22, 2023.

*s/ Harry B. Wilson*

Harry B. Wilson, OSB #077214

HarryWilson@MarkowitzHerbold.com

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